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### § 333.2 Attachment of photographs to documents.

A photograph of the applicant must be securely and permanently attached to each certificate of naturalization or citizenship, or to any other document that requires a photograph, in a manner prescribed by USCIS.

[76 FR 53801, Aug. 29, 2011]

## PART 334—APPLICATION FOR NATURALIZATION

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334.1 Filing of application for naturalization.

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334.6–334.10 [Reserved]

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334.12–334.15 [Reserved]

AUTHORITY: 8 U.S.C. 1103, 1443; 8 CFR part 2.

### § 334.1 Filing of application for naturalization.

Any person who is an applicant under sections 316, 319, 324, 325, 327, 328, 329, or 330 of the Act and the corresponding parts of this chapter, may apply for naturalization in accordance with the procedures prescribed in this chapter in accordance with the instructions on the form.

[56 FR 50496, Oct. 7, 1991, as amended at 66 FR 32147, June 13, 2001; 74 FR 26941, June 5, 2009]

### § 334.2 Application for naturalization.

(a) An applicant may file an application for naturalization with required initial evidence in accordance with the general form instructions for naturalization. The applicant must include the fee as required in 8 CFR 103.7(b)(1).

(b) An application for naturalization may be filed up to 90 days prior to the completion of the required period of residence, which may include the three-month period of residence required to establish jurisdiction under section 316(a) or 319(a) of the Act.

[56 FR 50496, Oct. 7, 1991, as amended at 59 FR 48780, Sept. 20, 1993; 66 FR 32147, June 13, 2001; 76 FR 53801, Aug. 29, 2011]

## 8 CFR Ch. I (1–1–14 Edition)

### § 334.3 [Reserved]

### § 334.4 Investigation and report if applicant is sick or disabled.

Whenever it appears that an applicant for naturalization may be unable, because of sickness or other disability, to appear for the initial examination on the application or for any subsequent interview, the district director shall cause an investigation to be conducted to determine the circumstances surrounding the sickness or disability. The district director shall determine, based on available medical evidence, whether the sickness or disability is of a nature which so incapacitates the applicant as to prevent the applicant's appearance at a Service office having jurisdiction over the applicant's place of residence. If so, the district director shall designate another place where the applicant may appear for the requisite naturalization proceedings.

[58 FR 49913, Sept. 24, 1993]

### § 334.5 Amendment of application for naturalization; reopening proceedings.

(a) *Clerical amendments*—(1) *By applicant*. An applicant may request that the application for naturalization be amended either prior to or subsequent to the administration of the oath of allegiance.

(2) *By Service*. The Service may amend, at any time, an application for naturalization when in receipt of information that clearly indicates that a clerical error has occurred.

(3) *Amendment procedure*. Any amendment will be limited to the correction of clerical errors arising from oversight or omission. If the amendment is approved, the amended application shall be filed with the original application for naturalization.

(b) *Substantive amendments*. Any substantive amendments which affect the jurisdiction or the decision on the merits of the application will not be authorized. When the Service is in receipt of any information that would indicate that an application for naturalization should not have been granted on the merits, the Service may institute proceedings to reopen the application before admission to citizenship, or to revoke the naturalization of a person

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who has been admitted to citizenship, in accordance with section 340 of the Act and § 335.5 of this chapter.

[56 FR 50496, Oct. 7, 1991]

### §§ 334.6–334.10 [Reserved]

#### § 334.11 Declaration of intention.

(a) *Application.* Any person who is a lawful permanent resident over 18 years of age may file an application for a declaration of intention to become a citizen of the United States while present in the United States. Such application, with the requisite fee, shall be filed on the form specified by USCIS, in accordance with the form instructions.

(b) *Approval.* If approved, USCIS will retain the application in the file and advise the applicant of the action taken.

(c) *Denial.* If an application is denied, the applicant shall be notified in writing of the reasons for denial. No appeal shall lie from this decision.

[58 FR 49913, Sept. 24, 1993, as amended at 74 FR 26941, June 5, 2009; 76 FR 53801, Aug. 29, 2011]

### §§ 334.12–334.15 [Reserved]

## PART 335—EXAMINATION ON APPLICATION FOR NATURALIZATION

Sec.

335.1 Investigation of applicant.

335.2 Examination of applicant.

335.3 Determination on application; continuance of examination.

335.4 Use of record of examination.

335.5 Receipt of derogatory information after grant.

335.6 Failure to appear for examination.

335.7 Failure to prosecute application after initial examination.

335.8 [Reserved]

335.9 Transfer of application.

335.10 Withdrawal of application.

AUTHORITY: 8 U.S.C. 1103, 1443, 1447.

#### § 335.1 Investigation of applicant.

Subsequent to the filing of an application for naturalization, the Service shall conduct an investigation of the applicant. The investigation shall consist, at a minimum, of a review of all pertinent records, police department checks, and a neighborhood investiga-

tion in the vicinities where the applicant has resided and has been employed, or engaged in business, for at least the five years immediately preceding the filing of the application. The district director may waive the neighborhood investigation of the applicant provided for in this paragraph.

[56 FR 50497, Oct. 7, 1991]

#### § 335.2 Examination of applicant.

(a) *General.* Subsequent to the filing of an application for naturalization, each applicant shall appear in person before a USCIS officer designated to conduct examinations pursuant to 8 CFR 332.1. The examination shall be uniform throughout the United States and shall encompass all factors relating to the applicant's eligibility for naturalization. The applicant may request the presence of an attorney or representative who has filed an appearance in accordance with part 292 of this chapter.

(b) *Completion of criminal background checks before examination.* USCIS will notify applicants for naturalization to appear before a USCIS officer for initial examination on the naturalization application only after the USCIS has received a definitive response from the Federal Bureau of Investigation that a full criminal background check of an applicant has been completed. A definitive response that a full criminal background check on an applicant has been completed includes:

(1) Confirmation from the Federal Bureau of Investigation that an applicant does not have an administrative or a criminal record;

(2) Confirmation from the Federal Bureau of Investigation that an applicant has an administrative or a criminal record; or

(3) Confirmation from the Federal Bureau of Investigation that the fingerprint data submitted for the criminal background check has been rejected.

(c) *Procedure.* Prior to the beginning of the examination, USCIS shall make known to the applicant the official capacity in which the officer is conducting the examination. The applicant shall be questioned, under oath or affirmation, in a setting apart from the